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Appin. No.: 09/994,088
Request for Refund dated September 20, 2005**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Jeffrey Trudeau

Serial No.: 09/994,088

Filed: November 14, 2001

For: Method And Apparatus For Clamping
Surgical Wires Or Cables

Atty. Docket No.: 004608.(0003

Group Art Unit: 3732

Examiner: Eduardo Robert

Confirmation No.: 8571

REQUEST FOR REFUNDCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Applicant respectfully requests a refund in the amount of \$620.00. The amount of the RCE and Two Month Extension of Time filed August 11, 2005 for the above application totals \$620.00. The amount of \$1,240.00 was inadvertently paid on August 11, 2005. Applicant claims small entity and respectfully requests a refund for the overpayment.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: September 20, 2005

By:


Binal J. Patel
Reg. No. 42,065Banner & Witcoff, LTD.
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Suite 3000
Chicago, IL 60606
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TO:

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FROM:

Binal J. Patel

COMPANY:

DATE:

September 20, 2005

FAX NO.:

571-273-8300

TOTAL NO. OF PAGES: (including cover sheet)

8

YOUR REFERENCE NO.:

OUR REFERENCE (C/M) NO.:

004608.00003

RE:

Filing Of Request for Refund For U.S. Serial No. 09/994,088

Application Of Jeffrey Trudeau

Filed November 14, 2005

Title: Method and Apparatus for Clamping Surgical Wires or Cables

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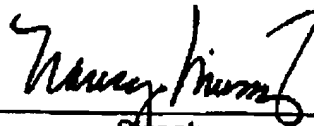
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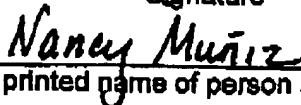
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U.S. Serial No. 09/994,088

Inventor: Jeffrey Trudeau

Filed: November 14, 2001

Title: Method and Apparatus for Clamping Surgical Wires or Cables

Transmittal Form (1 page), in duplicate

Request for Refund, 1 page

Docket No. 004608.00003

Burden Hour Statement: This form is estimated to take 0.09 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Comptroller for Patents, Washington, DC 20231.

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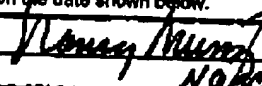
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/894,088
	Filing Date	November 14, 2001
	First Named Inventor	Jeffrey Trudeau
	Art Unit	3732
	Examiner Name	Eduardo Robert
Total Number of Pages in This Submission	Attorney Docket Number	004808.00003

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Rep / Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Refund, 1 page Certificate of Transmission under 37 CFR 1.6, 1 page
Remarks The Commissioner is authorized to charge any fees in connection with this correspondence to Deposit Account No. 18-0733. A duplicate of this sheet is enclosed.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm	Banner & Witcoff, LTD.	
Signature		
Printed Name	Binal J. Patel	
Date	September 20, 2005	Reg. No. 42,065

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature		
Typed or printed name	Nancy Muniz	Date 9-20-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to be (an) (i) by the USPTO in processing an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/30 (09-04)

Request For Continued Examination (RCE) Transmittal Form

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number	09/994,088
Filing Date	November 14, 2001
First Named Inventor	Jeffrey Trudeau
Art Unit	3732
Examiner Name	Eduardo Robert
Attorney Docket Number	004608.00003

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. ☐ Other _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☐ Information Disclosure Statement (IDS)
iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(f) required)
b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **19-0733**. I have enclosed a duplicate copy of this sheet.

- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
ii. ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17) **08/15/2005 MWOLDGE1 00000076-190733 09994088**
iii. ☐ Other _____

- b. ☐ Check in the amount of \$ _____ enclosed **01 FC:1801 790.00 BA**

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	August 11, 2005
Name (Print /Type)	Binal J. Patel	Registration No. (Attorney/Agent)	42,065

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	
Name (Print /Type)	
Date	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Adjustment date: 11/04/2005 EEKUBAY1
08/15/2005 MWOLDGE1 00000076-190733 09994088
01 FC:1801 790.00 CR

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11/04/2005 EEKUBAY1 00000008 190733 09994088

01 FC:2801 395.00 DA
02 FC:2252 225.00 DA



PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
FY 2005
(fees effective on or after December 8, 2004)

Docket Number (Optional)

004608.00003

Application Number 09/994,088

Filed November 14, 2001

For Method And Apparatus For Clamping Surgical Wires Or Cables

Art Unit 3732

Examiner Eduardo Robert

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	<u>\$450</u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

08/15/2005 MWOLDGE1 00000076 190733 09994088

02-FC:1252 450.00 DA

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 19-0733. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 42,085☐ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

Signature

Binal J. Patel

Typed or printed name

August 11, 2005

Date

(312) 483-5000

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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